

REMARKS

This amendment is offered in response to the Office Action of January 27, 2004.

It is respectfully submitted that this amendment will require neither a new search nor substantial reconsideration.

The drawings are objected to under Rule 83(a) as not showing the fin seal. Similarly, claims 14 and 16 stand rejected under 35 U.S.C. §112, first paragraph, for lack of written description.

In response to both the Rule 83(a) objection and the 35 U.S.C. §112, first paragraph, rejection, Figure 8 has been clarified to show that the edges 96 have been brought together to form a fin seal 300 which is “substantially perpendicular to said zipper”. This is consistent with Figure 7 wherein it is clear that the edges 96 being brought together would result in a joinder which is “substantially perpendicular to said zipper”. Further, this is supported by page 12, lines 22-29 of the specification, wherein the numeral 300 and a reference to Figure 8 have been added to correspond to the “overlap or fin seam”. No new matter has been added.

Additionally, as the Office Action refers to “variation from an exactly perpendicular relationship”, Claim 14 has been amended to recite that the fin seal is “substantially perpendicular to said zipper”. It is respectfully submitted that this obviates the Examiner’s concerns in this regard.

The Office Action rejected Claims 14 and 16 under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,660,479 to May et al. (hereinafter “May”) in view of Reexamination Certificate No. RE 33,674 to Uramoto (hereinafter “Uramoto”).

In response, Applicants respectfully submit that May in view of Uramoto does not render claims 14 and 16 obvious since the combination does not teach the claimed invention. As

Applicants pointed out, the sealed edges of the claimed package are parallel to the zipper and not perpendicular to the zipper. The claimed package additionally requires a separate lap or fin seal that extends perpendicular to the zipper from the top to the bottom of the package. Both of these elements are missing from the combination of May and Uramoto. Uramoto discloses a package made using a form fill and seal method where the zipper is applied in the machine direction. As a result, Uramoto does not teach or suggest a separate lap or fin seal extending perpendicular to the zipper from the top to the bottom of the package. Likewise, Uramoto does not teach or suggest more than one sealed edge extending in the direction of the zipper. Withdrawal of the rejection is respectfully requested.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to enter the amendment, to allow the claims, and to pass this application to early issue.

Respectfully submitted,



Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, NY 10036-7311
(212) 297-5800